IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE NINTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE DR JUSTICE G.YETHIRAJULU

WRIT PETITION NO : 12674 of 2004

Between:

Mrs. G. Subbalaxmi, w/o Ex-No.216380, Corporal (Radar/Mech)
Late G.V.V.S. Murthy, R/o H.No. 13/153, Sainikpuri,

SECUNDERABAD - 500594 (AP).

..... PETITIONER

AND

1. The Union of India, Through The Secretary Ministry of Defence,
   Government of India,

New Delhi - 110 001.

2. The Officer in Charge Pen & Wel Cell

AIR FORCE RECORDS OFFICE SUBROTO PARK,

NEW DELHI.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a direction, orders or a Writ, more appropriately one in the nature of a *Writ of Mandamus* and; "Declare the action of respondents herein in not paying unto the petitioner herein Ordinary Family Pension entitled to her despite her continuous pleadings and petitions and despite having complied with all the formalities, as being violative of her Right to life guaranteed under the provisions of Article 21 of the Constitution of India and thus Ultra Vires and pass such other direction, order or orders that may be deemed to be just and necessary and also in the interest of justice by this Hon'ble Court and consequently direct the Respondents herein to grant unto the petitioner herein the Ordinary Family Pension she is legitimately entitled to within a reasonable time frame which this Hon'ble Court may be pleased to set out".

For the Petitioner: MR.CAPT.K.M.SAXENA, ADVOCATE.

Counsel for the Respondents: KANTHI NARAHARI, S.C. FOR UNION GOVERNMENT

The Court made the following:

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THE HON'BLE Dr. G. YETHIRAJULU

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WRIT PETITION No.12674 OF 2004

O R D E R:

The petitioner claims that she is the widow of an Air Force personnel by name G.V.VS. Murty. The said Murty retired from service on 31.07.1971. After retirement, he was receiving his service pension w.e.f. 01.08.1974. His wife by name G. S. Vimala Devi died on 14.03.1982. Subsequently, the said G.V.V.S. Murty married the petitioner on 14.05.1982 according to Hindu Rites. Subsequently, the said Murty expired on 21.09.1993. Their son by name G. Rammohan, a major settled in "KENYA" and he is not eligible for any pensionary benefits. The petitioner is the sole surviving beneficiary for the pensionary benefits of Sri G.V.V.S. Murty. She made some representation to the respondents for the pension; since no orders were passed by the respondents, she approached this court seeking a direction to respondents for payment of pension to the petitioner.

The petitioner is contending that though she is eligible for getting the pension, the same is being unnecessarily delayed. In the light of the representation of the petitioner, appropriate orders have to be passed by the respondent.

The learned counsel for the respondents submitted that the petitioner did not make any application in the prescribed proforma for claiming pension along with necessary documents, therefore, no steps could be taken by the respondents. He handed over the set of blank pension papers to the counsel for the petitioner

requesting to get them filled and signed by the petitioner and send to the respondents along with all necessary documents to enable them to process the pension papers and to pass appropriate orders.

In the light of the above circumstances, the petitioner is directed to submit the pension papers duly filled in along with all necessary documents and on receipt of the pension papers, the 2nd respondent is directed to process the file to get necessary approvals etc., from the concerned authorities and pass appropriate orders within four months from the date of receipt of the pension papers from the petitioner and communicate the order to the petitioner.

Accordingly, the writ petition is disposed of. No costs.

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09.08.2004

Ksn/Dsr

ASSISTANT REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1. The Union of India, Through The Secretary Ministry of Defence,
   Government of India,

New Delhi - 110 001.

2. The Officer in Charge Pen & Wel Cell

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